

REMARKS

Claims 1-43 are pending in this application including independent claims 1, 12, 25, 36, and 40. Claims 1, 12, 25, 36, and 40 have been amended in order to advance prosecution. Support for the claim amendments can be found in the specification and accompanying drawings as originally filed. No new matter has been added. Favorable reconsideration and allowance of the pending claims are requested.

Examiner Interview Requested

Applicants respectfully request an interview with the Examiner prior to the next Office Action. No prior interviews have been conducted.

Claim Rejections – 35 U.S.C. § 101

Applicants respectfully traverse and requests reconsideration and withdrawal of the § 101 rejection of claims 25, 36, and 40 in view of the foregoing amendments to the claims.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number (USPN) 6,496,809 to Nakfoor (“Nakfoor”) in view of WO 00/46728 to Creasy et al. (“Creasy”). Applicants respectfully traverse this rejection.

The Office Action relies on portions of Nakfoor related to an electronic ticketing system. As correctly noted in the Office Action, the electronic ticketing system of Nakfoor does not provide automated variation of delivery options. When addressing the admitted deficiencies of Nakfoor, the Office Action relies on portions of Creasy related a user interface that allows a user to select a shipping service.

Claims 1-24

While Applicants disagree with the grounds of rejection set forth in the Office Action, independent claims 1 and 12 have been amended in order to advance prosecution. For example, amended independent claim 1 recites wherein said shipping logistics include automated variation of delivery options presented by said system to said buyer as a function of a time period associated with said goods and a geography-based

consideration determined by said system from information received from said seller. Amended independent claim 12 recites wherein available shipping options are automatically provided to said buyer as a function of shipping logistics associated with certain goods determined from the information received from said seller.

Applicants submit that the features recited by amended independent claims 1 and 12 clearly distinguish over the teachings of Nakfoor and Creasy. For instance, Creasy discloses a dropdown list 704, Saturday Delivery checkbox 706, and Request a Package Pickup checkbox 708. Applicants submit that the dropdown list 704, Saturday Delivery checkbox 706 and Request a Package Pickup checkbox 708 are always presented to the user allowing the user to select the appropriate service type and select Saturday delivery and package pickup, if desired. There is no teaching or suggestion in Creasy of any automated variation of the dropdown list 704 or variation of the service types listed within the dropdown list 704. There is also no teaching or suggestion of variation of either the Saturday Delivery checkbox 706 or Request a Package Pickup checkbox 708.

Moreover, there is clearly no teaching or suggestion in either Creasy or Nakfoor of providing delivery options to a buyer based on information received from a seller.

Applicants submit that neither Nakfoor nor Creasy teaches or suggests all of the features recited by amended independent claims 1 or 12. Consequently, even if Nakfoor and Creasy could be combined, which Applicants do not admit, such combination would not teach or suggest all of the features of amended independent claims 1 or 12. Further, there is no teaching, suggestion, or motivation to modify Nakfoor and/or Creasy to include all the recited features of amended independent claims 1 or 12. Therefore, Applicants submit that Nakfoor and Creasy, whether taken alone or in combination with each other, are insufficient to establish obviousness under § 103(a) with respect to amended independent claims 1 or 12.

Furthermore, Applicants submit modifying Nakfoor with the teachings of Creasy would contrary to the explicit teachings and change the principle of operation of Nakfoor. For example, Nakfoor is directed exclusively towards an electronic ticketing system. In fact, the background of Nakfoor provides several disadvantages for the use of paper tickets. Applicants submit, therefore, that there is no teaching, suggestion, or motivation to combine the electronic ticketing system of Nakfoor with the package shipping system

disclosed by Creasy. Without proper motivation to modify the references to arrive at the claimed invention, the rejection based on obviousness is improper.

For at least the reasons set forth above, Applicants submit that amended independent claims 1 and 12 are allowable and that dependent claims 2-11 and 13-24 are also allowable by virtue of their dependency from allowable claims, as well as on their own merits.

Claims 25-35

Amended independent claim 25 is directed to a computer-implemented method for providing logistics for a sale of goods without requiring interaction between a seller and a buyer. Among its other elements, amended independent claim 25 recites wherein said logistics are provided to said seller and said buyer via an automated system and wherein identities of said seller and said buyer are maintained confidential from one another.

Applicants submit that the features recited by amended independent claim 25 clearly distinguish over the teachings of Nakfoor and Creasy. Namely, there is no disclosure of logistics that are provided to said seller and said buyer via an automated system wherein identities of said seller and said buyer are maintained confidential from one another in either Nakfoor or Creasy. Consequently, even if Nakfoor and Creasy could be combined, which Applicants do not admit, such combination would not teach or suggest all of the features of amended independent claims 25.

Further, there is no teaching, suggestion, or motivation to modify Nakfoor and/or Creasy to include all the recited features of amended independent claim 25. Therefore, Applicants submit that Nakfoor and Creasy, whether taken alone or in combination with each other, are insufficient to establish obviousness under § 103(a) with respect to amended independent claim 25. Applicants also submit that there is no teaching, suggestion, or motivation to combine the electronic ticketing system of Nakfoor with the package shipping system disclosed by Creasy.

For at least the reasons set forth above, Applicants submit that amended independent claim 25 is allowable and that dependent claims 26-35 are also allowable by virtue of their dependency from an allowable claim, as well as on their own merits.

Claims 36-39 and 41-43

Amended independent claim 36 recites providing at least one shipping option to a computer of said buyer for selection by said buyer, said at least one shipping option determined by said computer system based on said information received from said seller. Amended independent claim 36 also recites arranging for a courier to receive said at least one event ticket from said seller and deliver said at least one event ticket to said buyer, according to said selected shipping option.

Applicants submit that the features recited by amended independent claim 36 clearly distinguish over the teachings of Nakfoor and Creasy. For instance, there is clearly no teaching or suggestion in either Creasy or Nakfoor of providing delivery options to a buyer based on information received from a seller. Further, Nakfoor is directed exclusively towards an electronic ticketing system and does not disclose arranging for a courier to receive said at least one event ticket from said seller and deliver said at least one event ticket to said buyer, according to said selected shipping option. Creasy also does not teach or suggest delivering tickets using a courier.

Applicants submit that neither Nakfoor nor Creasy teaches or suggests all of the features recited by amended independent claim 36. Consequently, even if Nakfoor and Creasy could be combined, which Applicants do not admit, such combination would not teach or suggest all of the features of amended independent claim 36. Further, there is no teaching, suggestion, or motivation to modify Nakfoor and/or Creasy to include all the recited features of amended independent claim 36. Therefore, Applicants submit that Nakfoor and Creasy, whether taken alone or in combination with each other, are insufficient to establish obviousness under § 103(a) with respect to amended independent claim 36. Applicants also submit that there is no teaching, suggestion, or motivation to combine the electronic ticketing system of Nakfoor with the package shipping system disclosed by Creasy.

For at least the reasons set forth above, Applicants submit that amended independent claim 36 is allowable and that dependent claims 37-39 and 41-43 are also allowable by virtue of their dependency from an allowable claim, as well as on their own merits.

Independent Claim 40

Amended independent claim 40 recites providing at least one shipping option to a computer of said buyer for selection by said buyer, said at least one shipping option determined by said computer system based on said information received from said seller. Amended independent claim 40 also recites providing an interactive page on said Web site which automatically displays all events remaining in said season ticket package to said seller.

Applicants submit that the features recited by amended independent claim 40 clearly distinguish over the teachings of Nakfoor and Creasy. For instance, there is clearly no teaching or suggestion in either Creasy or Nakfoor of providing delivery options to a buyer based on information received from a seller. Further, Nakfoor fails to teach or suggest interactive web pages for season tickets anywhere within its disclosure. Creasy also does not teach or suggest interactive web pages for season tickets.

Applicants submit that neither Nakfoor nor Creasy teaches or suggests all of the features recited by amended independent claim 40. Consequently, even if Nakfoor and Creasy could be combined, which Applicants do not admit, such combination would not teach or suggest all of the features of amended independent claim 40. Further, there is no teaching, suggestion, or motivation to modify Nakfoor and/or Creasy to include all the recited features of amended independent claim 40. Therefore, Applicants submit that Nakfoor and Creasy, whether taken alone or in combination with each other, are insufficient to establish obviousness under § 103(a) with respect to amended independent claim 40. Applicants also submit that there is no teaching, suggestion, or motivation to combine the electronic ticketing system of Nakfoor with the package shipping system disclosed by Creasy.

For at least the reasons set forth above, Applicants submit that amended independent claim 40 is allowable.

Conclusion

For at least the reasons set forth above, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claims 1-43 and a timely Notice of Allowance to this effect.

Applicants do not otherwise concede, however, the correctness of the Office Action with respect to any of the limitations of the independent claims and dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the claims from the cited references, taken alone or in combination, based on additional features contained in the independent or dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17.

Respectfully submitted,

/Robert V. Racunas/

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Under 37 CFR 1.34(a)

Dated: March 11, 2009

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